

AFFIDAVIT

I, Jeff Riddell, having been duly sworn, depose and state:

1. I am a Task Force Agent with Homeland Security Investigations (“HSI”), currently assigned to the Burlington, Vermont Resident Agency. I have been a Task Force Agent for two years and a Border Patrol Agent for ten years. I am responsible for working a variety of criminal violations, to include immigration offenses, violent crimes, narcotics crimes, and sex offenses. I have also been the affiant to numerous federal complaints and search warrants pertaining to federal crimes, including alien smuggling and child exploitation. As a Task Force Agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.
2. I set forth the following as probable cause to believe that Richard Ricardo CUMMINS (aka Richard Ricardo HURDLE) (DOB: 01/17/1971) is an alien who was previously removed and thereafter intentionally requested entry into the United States under a different name, not having obtained the express consent of the Secretary of Homeland Security to reapply for admission to the United States, in violation of 8 U.S.C. § 1326(a). The following is either known to me personally or has been related to me by persons having direct knowledge of the events described below, including but not limited to members of United States Customs and Border Protection (“CBP”). This affidavit is meant to set forth probable cause and does not include every fact known to law enforcement about the events described below.
3. On Tuesday, September 11, 2018, at approximately 12:24 pm, CBP Agents encountered British Citizen Richard Ricardo CUMMINS (DOB: 01/17/1971) at the Highgate Springs Port of Entry in Swanton, Vermont. I am informed by CBP Officer STETZ that

CUMMINS had entered the United States from Canada on a commercial bus destined for Boston, MA. CUMMINS and his family were applying for admission into the United States under the Visa Waiver Program. CUMMINS presented a United Kingdom Passport issued in 2009. CUMMINS and his family were then moved into secondary inspection where the CBP Form I94w (Nonimmigrant Visa Waiver Arrival/Departure Record) is issued.

4. During CBP's secondary immigration inspection, CUMMINS signed a I94w form that answered "no" to all the questions present on the form, including questions about prior arrests. CBP Officer Roberts processed CUMMINS' fingerprints for the I94w document issuance. Results on the fingerprint IDENT database showed that CUMMINS fingerprints matched those of Richard Ricardo HURDLE, who was previously arrested and convicted in 1997 for a felony offense in the United States. The IDENT database is also called the Automated Biometric Identification System. Based on my research and experience, the database is used by US immigration officials to check the immigration and biometric information for individuals they encounter. The database contains information from the US immigration system about over 200 million people who have entered, attempted to enter, or exited the United States. It is designed to use fingerprint readers to accurately identify individuals immigration officers encounter during the course of their duties. Thus, the system is designed to determine whether a person who in encountered by an immigration official has an immigration record, including a deportation or removal in another name. In this circumstance, the IDENT database further stated that HURDLE was deported from the United States in 1999 to Barbados, his country of citizenship at that time.

5. CBP Officer Stetz initiated a sworn statement with CUMMINS who stated that he has not used any other names, legally or illegally. CUMMINS did state that he was born in Bridgetown, Barbados. CBP Officer Stetz advised CUMMINS of his Miranda rights via the Warning As To Rights form. CUMMINS acknowledged he understood his rights and did not wish to answer any further questions or make any statements.
6. I am informed by CBP Officer Stetz that database queries for CUMMINS reveal an extensive arrest history under the name HURDLE to include: cocaine trafficking, carrying a concealed deadly weapon, possession of a firearm during the commission of a felony and multiple other charges. Immigration history reveals that HURDLE was ordered deported and removed from the United States on December 6, 1999.

Dated at Burlington, in the District of Vermont, this ^{12th} ~~21st~~ day of ^{September, 2018} ~~March, 2017~~.


Jeff Riddell, Task Force Agent
HSI

Sworn to and subscribed before me this ^{12th} day of September 2018.


JOHN M. CONROY
United States Magistrate Judge